United Nations S/2012/45

Security Council

Distr.: General
19 January 2012

Original: English

Letter dated 18 January 2012 from the Secretary-General addressed to the President of the Security Council

It will be recalled that during the open debate on piracy in the Gulf of Guinea held in the Security Council on 19 October 2011, I informed of my intention to dispatch a mission to the Gulf of Guinea to assess the scope of the threat of piracy in the region, and take stock of national and regional capacities to ensure maritime safety and security in the region and make recommendations for a possible United Nations response. I also advised that when I received the report of the mission, I would submit it to the Council. In that regard, I have the honour to share the report of the mission, submitted to me upon completion of its work (see annex).

I should be grateful if you would bring the present letter and its annex to the attention of members of the Security Council.

(*Signed*) **BAN** Ki-moon

12-20808 (E) 200112

Please recycle

Report of the United Nations assessment mission on piracy in the Gulf of Guinea (7 to 24 November 2011)

I. Introduction

1. In a request to the Secretary-General dated 27 July 2011, President Boni Yayi of Benin appealed for assistance from the international community to fight piracy in his country and throughout the Gulf of Guinea. The President pointed out the negative consequences of piracy and drug trafficking on the economy of Benin, and called upon the United Nations to consider the possibility of establishing a mechanism to combat piracy in the Gulf of Guinea similar to the anti-piracy regime currently in place off the coast of Somalia. In response, the Secretary-General decided to deploy a United Nations multidisciplinary mission to assess the scope of the threat of piracy in the Gulf of Guinea and to make recommendations on possible measures the United Nations and the international community as a whole could implement to respond in an effective manner to the dangers posed by that threat. It should be noted that President Yayi had written earlier, on 9 June 2009, to the United Nations to request the assistance of the United Nations Office on Drugs and Crime (UNODC) to help Benin formulate a national integrated programme to fight drug trafficking and organized crime in the country.

2. Following President Yayi's request to the Secretary-General, the Under-Secretary-General for Political Affairs, B. Lynn Pascoe, briefed the Security Council on 23 August 2011 on the issue of piracy in the Gulf of Guinea and announced the intention of the Secretary-General to deploy an assessment mission to the region. Subsequently, on 31 August, the President of the Security Council issued a press statement expressing concern over the growing threat of piracy in the Gulf of Guinea and underlining the need for regional coordination and leadership in developing a comprehensive strategy to address it.

3. On 19 October, during an open debate in the Security Council on the matter "Peace and security in Africa: piracy in the Gulf of Guinea", convened by Nigeria in its capacity as President of the Security Council, the Secretary-General confirmed his intention to dispatch an assessment mission to the region and appealed to the Economic Community of West African States (ECOWAS) and the Economic Community of Central African States (ECCAS) to work together to develop a comprehensive and integrated regional anti-piracy strategy for the Gulf of Guinea, in close cooperation with the Gulf of Guinea Commission and the Maritime Organization of West and Central Africa (MOWCA). He also encouraged them to build on the existing memorandum of understanding on the establishment of a subregional integrated coastguard network in West and Central Africa developed by MOWCA and the International Maritime Organization (IMO). The ECOWAS Commissioner for Political Affairs, Peace and Security and the Gulf of Guinea Commission Deputy Executive Secretary for Political Affairs also made statements highlighting the key initiatives being taken by their respective organizations to counter piracy in the Gulf of Guinea. Nigeria stressed the devastating effect of piracy on maritime navigation and on the economies of the countries in the region, and underlined that the fight against piracy was a collective responsibility. For his part, the Permanent Representative of Benin to the United Nations stressed that if piracy was not addressed properly, it could jeopardize socio-economic development and foreign investment in the region.

4. Following its debate on 19 October, the Security Council, on 31 October, adopted its first ever resolution on the issue of piracy in the Gulf of Guinea. In resolution 2018 (2011) the Council expressed deep concern about the threat posed by piracy and armed robbery to international navigation, security and the economic development of States in the Gulf of Guinea region, and welcomed the intention of the Secretary-General to deploy a United Nations assessment mission to the region, as well as the intention of regional leaders to convene a summit to consider a comprehensive response to the piracy threat in the Gulf of Guinea. The Council also indicated that it looked forward to receiving the recommendations of the assessment mission deployed by the Secretary-General.

II. Background

5. Piracy in the Gulf of Guinea is not a new phenomenon. Since the late 1990s, the region has been facing acts of piracy targeting high-value assets, particularly oil shipments. However, since 2010, incidents of piracy and armed robbery in the area have risen significantly, making the region the second most acute piracy problem on the African continent. In its 2010 annual report, IMO listed the West African coast among the top six piracy hotspots in the world. According to IMO, 58 attacks were reported in the region during the first 10 months of 2011, as opposed to 45 in 2010. Twenty-one of the reported attacks in 2011 occurred off the coast of Benin, 14 off the coast of Nigeria, 7 off the coast of Togo, 4 off the coasts of the Democratic Republic of Congo, the Republic of Congo and Guinea, 2 off the coast of Ghana and 1 off the coasts of Angola and Côte d'Ivoire. In 2010, while Nigeria reported 25 attacks, Guinea 6, Cameroon 5, Côte d'Ivoire 4, the Democratic Republic of the Congo 3, and Congo and Liberia 1, respectively; Angola, Benin, Ghana and Togo did not report a single attack. As a result of robust anti-piracy operations launched by Nigeria, one of the main targets of pirates, the problem has moved to more vulnerable countries, such as neighbouring Benin, whose port of Cotonou is located 19 nautical miles from the Nigerian coastal border.

III. Assessment mission

6. The assessment mission conducted its work from 7 to 24 November in Benin and Nigeria, under the co-leadership of the Director of the Africa II Division of the Department of Political Affairs of the United Nations Secretariat, Sammy Kum Buo, and the UNODC Representative in Nigeria, Mariam Sissoko. Mr. Buo led the mission during its visit to Gabon and Angola. Other participants included representatives of the Department of Peacekeeping Operations, IMO, the United Nations Development Programme (UNDP), the United Nations Office in Central Africa (UNOCA) and the United Nations Office for West Africa (UNOWA). The main objectives of the mission were: (a) to assist the Government of Benin in the formulation of a national integrated programme to address drug trafficking, organized crime and piracy; and (b) to assess the scope of the threat of piracy in the Gulf of Guinea region and explore possible options for an effective United Nations response.

IV. Work of the assessment mission in Benin

7. In Benin, the mission met with a broad cross-section of national interlocutors, including President Yayi, other senior Government officials and representatives from the country's army, police, navy, port and judiciary institutions, as well as international partners, including the European Union and members of the diplomatic corps. Representatives of the mission also participated in a seminar on the theme "Maritime security in the Gulf of Guinea", with specific focus on Benin, Ghana and Togo, which was held in Cotonou from 8 to 10 November and was organized by France under the auspices of the President of Benin.

Scope of the threat of piracy in Benin

8. Benin is one of the most vulnerable countries affected by piracy in the Gulf of Guinea. As mentioned in paragraph 5, 21 pirate attacks in the waters off Benin were reported in 2011, as compared with none in 2010 and 1 in 2009. The majority of attacks occur at night and target oil and chemical vessels that are stationary while conducting ship-to-ship transfer operations, usually at a distance of over 40 nautical miles offshore. The attacks are therefore not seen as isolated or opportunistic, but rather as systematic and organized.

9. In the face of the growing number of attacks, Benin lacks the capacity to effectively deter or pursue attackers. The mission was informed that the pirates generally utilize faster boats and more advanced equipment during these attacks than those operated by the Benin navy. It is unlikely that the pilfered fuel, which subsequently resurfaces on the black market in the main ports along the Gulf of Guinea, is being stolen and distributed without the collusion of officials at the ports. In this regard, several Benin officials acknowledged that corruption at the Port of Cotonou is likely, and that the attacks could not occur without the complicity of Benin nationals operating on land.

10. Both national and international interlocutors expressed the view that criminal organizations operating from neighbouring countries are behind many of the pirate attacks. In particular, they asserted that the crackdown by the Government of Nigeria on piracy and oil bunkering off its shores had led criminal organizations operating in Nigerian waters to shift their operations to the waters of Benin. According to IMO, the number of pirate attacks off the coast of Nigeria decreased from 48 in 2007 to 25 in 2010 and 14 in 2011.

Impact of piracy on the economy of Benin

11. The economy of Benin is heavily reliant on service and transit fees from the Port of Cotonou, as well as on cotton exports, for national revenue. It is a low-income country with a per capita income of $680 in 2010, and a ranking of 167 out of 183 countries in the 2011 UNDP Human Development Index. Revenue from activities at the port account for 70 per cent of the national gross domestic product and 80 per cent of national fiscal revenue. The Port of Cotonou also handles an estimated 90 per cent of the country's trade with foreign countries. Owing to the recent escalation in pirate attacks off the coast of Benin, in August 2011, the London-based marine insurers' group — the Joint War Committee — added Benin to the list of high-risk countries, leading to increased insurance rates for vessels operating in Benin's waters. As a result, the number of ships entering the Port of

Cotonou has declined by 70 per cent. Statistics of the National Shippers' Council of Benin show that tonnage at the port has fallen to less than 6 million tons in 2011, as opposed to an average annual tonnage of 7 million. This will result in an estimated loss of $81 million in customs revenue in 2011. In addition, the country is also experiencing a monthly loss of $1 million in its fishing sector.

12. The decline in revenue is affecting the ability of the State to function in the short term, and is hampering its efforts to consolidate democratic governance, implement socio-economic development programmes, institute reforms and attract foreign investments in the exploration and exploitation of Benin's offshore oil and gas reserves. It is also affecting Benin's trade and economic activities with neighbouring countries, in particular landlocked States, including Burkina Faso, Mali and Niger. As one of the major transit ports servicing these landlocked States, the decline in maritime activity in the Port of Cotonou also affects the economic activities of these States.

Legal framework

13. The Government of Benin is a signatory to a number of international conventions, including the United Nations Convention on the Law of the Sea, the International Convention for the Safety of Life at Sea, the International Ship and Port Facility Security Code, the Convention on the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Convention on Facilitation of International Maritime Traffic. However, it is not a signatory to the International Convention on Maritime Search and Rescue. Like other West and Central African States, Benin has committed to implementing applicable IMO Conventions, as well as the IMO/MOWCA memorandum of understanding.

14. The mission assessed that the country's legal framework needs to be reformed to effectively address the threat of piracy. First, the definition of the crime of piracy is outdated and is not consistent with the definition of piracy under the United Nations Convention on the Law of the Sea. For example, in two recent piracy cases reported by the Benin authorities, suspected pirates were charged with generic offences, such as armed robbery, premeditated murder and conspiracy. Further, unless other modes of liability, such as conspiracy, are not criminalized, the potential for combating piracy and other forms of organized crime will remain extremely limited. In addition, the universal jurisdiction provided for under the Convention with respect to the arrest and the prosecution of pirates is not incorporated in Benin's Maritime Code. As a result, Benin's jurisdiction on piracy acts committed on the high seas is limited to acts committed by its citizens or on board of Benin's ships. In addition, while the national Maritime Code contains rules for the investigation of offences committed at sea by various national authorities and the handling of suspects arrested at sea, it needs to be updated and streamlined.

National efforts to combat piracy in Benin

15. In addition to recent intensive diplomatic démarches undertaken by President Yayi to seek regional and international assistance to combat piracy in Benin, national authorities have implemented several other initiatives to address the threat. As a first step, the Government has invested in the purchase of military, maritime and aviation assets to enhance its maritime security capabilities. It has purchased three new patrol boats and two new surveillance aircraft to supplement the two

small in-shore boats currently being used by the navy for patrols. The new vessels, which are due to be delivered to Benin by an overseas manufacturer in the first quarter of 2012, will enable the navy to conduct patrols in the exclusive economic zone. The Ministry of Finance has taken steps to ensure that the national budget covers the cost of maintenance of these assets. In addition, Benin's maritime surveillance system is being enhanced by the installation of two coastal radar systems that will provide coverage of ship movements within Benin's waters. Arrangements have also been put in place for ships conducting ship-to-ship cargo transfer operations to do so in a designated safe area close to the shore, under the protection of the Benin navy.

16. The Government has established two national coordination mechanisms to address maritime security issues: the National Council at the ministerial level and the Technical Committee at the operational level. At the time of the mission visit, the National Council, which is expected to develop a national maritime security policy, had not convened its first meeting. While the Technical Committee has begun to meet, albeit on an irregular basis, departmental representation has not been consistent, making it challenging for this mechanism to develop a national policy, clarify the roles and responsibilities of participating departments and agencies, and encourage a cooperative approach to maritime law enforcement.

17. Though still in the initial stage, the actions taken by the Government are bearing some fruit. So far, eight abandoned ships off the coast of Benin, which were occasionally used as bases by pirates, have been destroyed. In addition, the authorities are currently carrying out investigations in relation to nine individuals who have been arrested and detained in connection with armed attacks in Benin's coastal waters.

Regional efforts to help combat piracy in Benin

18. As a result of President Yayi's diplomatic campaign to mobilize regional support, an agreement was reached with President Goodluck Jonathan of Nigeria, which led to Benin and Nigeria commencing a six-month joint patrol programme along Benin's coast, which began on 28 September 2011. The programme, known as Operation Prosperity, is being conducted under Nigeria's tactical command and Benin's operational command. Ninety-five per cent of the logistical support for the joint operation is being provided by Nigeria, including in particular two helicopters, two maritime vessels and two interceptor boats, while Benin contributes two "Defender" boats, which have been provided by the Government of the United States of America. Benin's contribution to the operation is estimated at CFA 234,347,490 per month (about $466,000), which is equivalent to 5 per cent of the total cost of the operation. Since Benin and Nigeria started Operation Prosperity, the number of successful pirate attacks has fallen. In October, two large tanker ships suspected of carrying out illegal ship-to-ship operations were captured and handed over to Benin authorities, while three fishing vessels and a tanker were rescued from attempted pirate attacks. On 1 November, two more vessels engaged in illegal ship-to-ship operations were also captured and handed over to the authorities.

19. Notwithstanding its success, the joint operation faces major constraints, including the absence of logistical support facilities for vessels being used to conduct patrols. As a result, the Nigerian vessels participating in the operation must sail to Lagos for refuelling and repairs. The high operating costs also constitute a

big challenge. To ensure the sustainability of these joint patrols, adequate facilities will need to be constructed in Cotonou to support refuelling, maintenance and storage of supplies used in the joint operations. The joint programme will be reviewed by both countries at the end of its six-month term, in March 2012, with a view to deciding whether the arrangement will continue. Given the limited capacity of Benin to singularly prevent pirate attacks in the country's waters, the discontinuation of these patrols beyond March 2012 could severely undermine the maritime security of the country.

International measures to support anti-piracy efforts in Benin

20. In addition to requesting the support of the United Nations, President Yayi also wrote to several Member States to seek assistance in addressing the threat of piracy along the coast of Benin. The responses, including from Belgium, China, France and the United States, have been very encouraging. Some international partners are already providing technical support or have committed to bilateral programmes with Benin in support of its maritime security strategy. The Government of France is funding a three-year project referred to as the "Priority Solidarity Fund: support to the reform of maritime security sector in the Gulf of Guinea". The project, which will cost an estimated $1 million, is aimed at building the capacity of the national security forces of Benin, Ghana and Togo to enable them to provide effective maritime security. The Government of China has also agreed to fund the purchase of a ship, while the Government of the United States has pledged $300,000 to help with the development of a national maritime strategy. In addition, at the time of the mission visit, Australia and the United States also pledged to deploy assessment missions to Benin.

21. The European Union is also a key partner in the fight against piracy in the Gulf of Guinea through the implementation of a programme on maritime piracy, of which Benin and other West and Central African countries are beneficiaries. The programme, which was launched in November 2010, focuses, inter alia, on maritime security and safety, maritime information-sharing and enhancing the operational capacity of coastguards and law enforcement agencies.

Recommendations to combat piracy in Benin

22. Following are recommendations to combat piracy in Benin:

For the Government of Benin:

(a) Adopt a national maritime security strategy;

(b) Establish an interdepartmental national maritime security committee, comprised of national agencies and ministries responsible for maritime safety and security, including, inter alia, transport, maritime, port, police, navy, gendarmerie, customs, finance, border control, fisheries, energy, foreign affairs and the interior, to implement the national maritime security strategy. The committee would serve as the main national interlocutor on issues related to maritime security, including for building partnership with international stakeholders;

(c) Adopt a united front with neighbouring coastal countries to prevent pirates from shifting from one port to another;

(d) Accede to the 1979 International Convention on Maritime Search and Rescue and the 2005 Protocols to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and develop enabling legislation to bring these Conventions into national law;

(e) Undertake a thorough review of the legal framework in the country to enable it to effectively prosecute piracy and armed robbery at sea, and to counter unlawful acts against the security of maritime navigation, port facilities and offshore platforms;

(f) Develop a strategic communication plan to sensitize and educate the public about maritime policies and raise maritime awareness;

(g) Develop land-based patrolling, surveillance and information-gathering systems to further enhance maritime security, including by developing a "water/waterside" watch programme; promoting public outreach programmes to encourage port workers, fishermen, waterfront communities and seafarers to observe, record and report to coastguards and law enforcement authorities; and developing an information-sharing culture and framework for data collection, analysis and dissemination;

(h) Ensure that standard operating procedures for ships conducting ship-to-ship operations in waters off the coast of Benin are developed and promulgated to shipping industry organizations and IMO;

(i) Make use of the system, tools and services of the International Criminal Police Organization (INTERPOL), utilize existing networks and coordinate with international bodies to support law enforcement with respect to crimes committed at sea;

(j) Provide training for members of the judicial system, including magistrates and prosecutors, on maritime law enforcement issues, in coordination with the navy and the Maritime Authority;

(k) Strengthen the judiciary, through the provision of assistance to prosecutors and courts, on aspects of maritime law enforcement, focusing on crimes such as piracy, drug trafficking, human trafficking, the dumping of waste, illegal and unregulated fishing and small arms trafficking;

(l) Develop a national maritime security plan that sets out current capabilities, identifies gaps, outlines future requirements for maritime security sector governance and reform, and provides justification for continued investment in maritime security;

For international partners:

(a) Provide funding and support to ensure the presence of adequate patrols off the coast of Benin, for example, through the continuation of the Nigerian/Benin joint maritime patrols, pending the operationalization of an effective national maritime security force;

(b) As an immediate step, contribute funds for the purchase by Benin of naval vessels and aircraft, or donate supporting infrastructure, radar systems and other equipment, as well as assist with capacity-building to enhance the maritime security capabilities of Benin;

(c) Over the long term, provide assistance with information-sharing and capacity-building to strengthen the maritime security sector of Benin and to enable national security institutions, especially the navy and air force of Benin, to conduct more effective patrols and maritime surveillance;

For the United Nations:

(a) Assist in coordinating international assistance to support the efforts of Benin to combat the threat of piracy;

(b) Provide technical assistance to Benin in developing enabling legislation to bring international maritime instruments into national law;

(c) Assist national authorities in developing a national integrated programme to fight piracy, drug trafficking and organized crime;

(d) Assist Benin and other MOWCA member States to implement the memorandum of understanding on the establishment of a subregional integrated coastguard network in West and Central Africa.

Scope of drug trafficking and transnational organized crime in Benin

23. Benin has become a major port of embarkation for drug couriers and for the trans-shipment of large quantities of cocaine and heroin from South America to Europe. In April and June 2011, authorities seized a shipment of 200 kg of heroin and 450 kg of cocaine, respectively, in the Cotonou Port. In addition, 200 kg of heroin and 500 kg of cocaine destined for Benin were seized in Pakistan and Colombia in April and May 2011, respectively. Cannabis is locally cultivated and consumed or exported to Nigeria for further processing. In addition, amphetamine-type stimulants, originating in Asia and Nigeria, are also widely trafficked and consumed in Benin. Trafficking in counterfeit medicine is also prevalent.

24. Transnational organized crime networks are especially active in the areas of oil bunkering and trafficking in cocaine, children, counterfeit medicines and cigarettes. Illicit trafficking operations involving alcohol, cement and cars are also on the rise. Several factors make Benin a soft target for traffickers, including limited law enforcement capacity, porous borders and Benin's role as a major import-export hub.

25. Child trafficking is widespread and fuelled by the poverty of rural families. Children are taken to work for little or no salaries in shops or fields in foreign countries. Cases of child trafficking for prostitution or pedo-pornography have also been reported. Trafficking in petroleum has generated an underground industry that thrives on the purchase and sale of smuggled fuel. Attempts by the authorities to tackle this issue in August 2008 resulted in violent clashes with the police. According to local estimates, 80 per cent of the petroleum sold in Benin is smuggled, which has led to the closure of many lawful petrol stations, which cannot profitably compete against the illegal operators.

26. There is an increasing incidence of armed robberies against businesses and banks and theft of luxury vehicles. The mission was informed that bandits have also successfully targeted Government payroll convoys. The proliferation of small arms was reported to be on the rise since the summer of 2011.

27. Benin's 1,989 km of land borders with Togo, Burkina Faso, Niger and Nigeria and 121 km of coastline on the Gulf of Guinea are very difficult to secure. Lagoons and rivers, which are sometimes used by criminals in speedboats, have also proven to be difficult to police and control. Moreover, the major road connecting Lagos to Accra is frequently used for criminal activities.

28. The European Union is funding the development by INTERPOL of a police information system for Benin and Ghana. Under this system, a single database on organized crime will be created and made available to all 15 West African States.

Legal framework to fight drug trafficking and transnational organized crime in Benin

29. Benin is a party to major international conventions related to drugs and crime, including the Single Convention on Narcotic Drugs of 1961, the Convention on Psychotropic Substances of 1971, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption. It is also a party to several anti-terrorism protocols. Moreover, the country has enacted several laws to fight particular forms of organized crime, including Law No. 97-025 dated 18 July 1997, on drug and precursors control; Law No. 2006-14 dated 31 October 2006, on money-laundering prevention, detection and criminalization; Law No. 2011-20 dated 30 August 2011, on corruption and Law No. 2006-04 dated 10 April 2006, on child trafficking. The country also has law enforcement units that specialize in the investigation of drug trafficking and child trafficking and a financial intelligence unit that focuses on the detection and the prevention of money-laundering.

30. However, the overall legal framework and justice system in the country need to be reviewed and reformed. In particular, the Penal Code of Benin and the 1967 Code of Criminal Procedure are both outdated. The mission was informed that revised draft texts had been submitted to the National Assembly but were yet to be examined. The implementation of national legislation and international legal assistance instruments is very limited. For example, anti-corruption and anti-money-laundering laws exist but are rarely enforced. In addition, law enforcement agencies and the judiciary experience difficulties in conducting investigations owing to several factors, including lack of personnel, resources and equipment, inadequate training, limited law enforcement capacity and the absence of inter-agency coordination, especially among the security forces.

Recommendations to fight drug trafficking and transnational organized crime in Benin

31. Following are recommendations to fight drug trafficking and transnational organized crime in Benin:

For the Government of Benin:

(a) Review and replace the Penal Code and 1967 Code of Criminal Procedure, which are outdated;

(b) Strengthen State institutions to enable proper functioning of criminal justice and law enforcement systems, in particular, by providing support to the different law enforcement agencies;

(c) Provide special assistance to airport and maritime security units to enhance their ability to interdict smuggling, drug trafficking and other organized crime operations;

(d) Create and train specialized judicial police entities charged with the responsibility of combating illicit trafficking and organized crime;

(e) Provide equipment to facilitate surveillance and strengthen forensic capacity;

For the United Nations:

Assist national authorities to develop a national integrated programme to fight drug trafficking and organized crime, including piracy.

V. Piracy in the Gulf of Guinea

32. After Benin, the assessment mission travelled to Nigeria from 18 to 19 November, Gabon from 20 to 22 November and Angola from 23 to 24 November to meet with ECOWAS, ECCAS and the Gulf of Guinea Commission, respectively, as well as with national authorities in the three countries. The discussions focused on an assessment of the scope of the piracy threat in the region and the exploration of possible options at the regional and international levels to respond to it.

Scope of the threat of piracy in the region

33. The Gulf of Guinea is a geographical area that stretches from Guinea in the north-western part of the African continent to Angola in the south-central part of the continent. The region is a growing source of oil, cocoa and minerals. Collectively, Gulf of Guinea countries produce more than 5 million barrels of oil per day and more than three quarters of the world supply of cocoa. The region is also rich in minerals, including bauxite in Guinea, gold in Ghana and unexploited resources such as iron ore in Liberia and other countries.

34. No country in the region appears to have the capacity to tackle maritime insecurity alone, with many pirate attacks occurring beyond national territorial waters and reaching into the exclusive economic zones. Despite the crucial role of Nigeria in helping one of the most vulnerable countries, Benin, through joint maritime patrols, a wider approach is needed. Piracy does not only concern littoral States, but also hinterland and landlocked countries, which depend on the sea for exports and imports. It is estimated that piracy currently results in an annual loss of $2 billion to the economy of the West African subregion.

35. Pirates in the Central African part of the Gulf of Guinea mainly target both oil drilling platforms and ships, with the intention of seizing money, radio equipment and goods from the crew and the passengers. On some occasions, hostages are taken for ransom. On the other hand, attacks in the West African subregion generally occur during ship-to-ship transfer operations, with a view to stealing oil cargo and other high-value assets. While West African States have just started to seek ways

and means to address the piracy threat at the regional level, the coastal Central African States, most of which are oil-producers, have already begun to organize a coordinated anti-piracy response.

IMO/Maritime Organization of West and Central Africa memorandum of understanding

36. In October 2006, IMO and MOWCA convened a meeting in Dakar, in order to discuss the establishment of a system whereby the various national entities responsible for carrying out "coast guard functions" could cooperate both domestically and regionally for the benefit of West and Central Africa as a whole. That led to the development of the memorandum of understanding on the establishment of a subregional integrated coastguard network in West and Central Africa (the IMO/MOWCA memorandum of understanding) adopted in July 2008, which has been signed by 15 coastal States from the region. The memorandum of understanding aims at enhancing maritime safety, security and law enforcement throughout the region and forms the basis of the maritime security strategy within the African Maritime Transport Charter adopted by the African Union in Durban in October 2009. It also serves as the basis for national and regional action plans to be developed by regional States for the implementation of the integrated coastguard function network.

Central African subregional anti-piracy efforts

37. In addition to becoming signatories to the IMO/MOWCA memorandum of understanding, Central African countries have joined together under the umbrella of ECCAS to take collective steps to fight piracy. Despite being underresourced, they have developed a comprehensive joint maritime security architecture that could serve as a good model for the entire Gulf of Guinea region.

38. The ECCAS strategy on maritime security was developed at the request, on 26 February 2008, of the Council of Ministers of the ECCAS Council for Peace and Security. The strategy is built on six pillars, including (i) information management; (ii) community surveillance through the detection and the sharing of assets; (iii) the legal and functional harmonization of States' action at sea; (iv) self-financing, through a community tax; (v) logistics; and (vi) the institutionalization of a maritime conference for Central Africa. In October 2009, the ECCAS Committee of Chiefs of Defence Staff adopted a Protocol that provided for the establishment of a subregional maritime security centre and committed ECCAS member States to the conduct of maritime operations against piracy. That led to the establishment of the Regional Centre for Maritime Security in Central Africa (CRESMAC), which is located in Pointe-Noire, Congo.

39. In implementing its maritime security strategy, ECCAS has divided its maritime space into three zones: A, B and D. Zone A includes Angola and the Democratic Republic of Congo, Zone B consists of Angola, Congo and Gabon, and Zone D covers Cameroon, Equatorial Guinea, Gabon and Sao Tome and Principe. Each of the zones is supervised by a multinational coordination centre and all three centres are under the command of CRESMAC. Zone D was the first to be activated, in response to recurring violent pirate attacks in the area since 2006. Joint surveillance patrols started in that Zone in September 2009. In April 2010, the ECCAS Council for Peace and Security adopted a funding mechanism that provides

for countries in each zone to pool their maritime taxes into a single community tax for maritime security. In the same vein, Angola, Cameroon, Congo, Equatorial Guinea and Gabon have also made available their military centres for regional maritime training.

40. According to ECCAS, the implementation of the strategy in Zone D has yielded positive results after two years of activity, leading to the stabilization of the security situation in that zone. There has been a significant decline in piracy activity in the area, although casual intrusions continue in Cameroon waters and sometimes onshore. There has also been a decrease in illegal fishing and smuggling in the area. As a result of the progress it has made in combating piracy, ECCAS proposed to the mission that the Central Africa subregion should host the proposed joint regional summit of Gulf of Guinea States on piracy.

41. Notwithstanding these gains, the mission was informed that individual Central African States were finding it increasingly difficult to continue to finance and support naval operations on their own, pending the operationalization of CRESMAC. Accordingly, the need was expressed for substantial assistance to be provided to regional States and the various coordinating structures already set up in the subregion, in particular CRESMAC and the multinational coordination centres, to assist in the effective implementation of the ECCAS maritime security strategy.

42. Gabon, which hosts the ECCAS headquarters, stressed the benefits of regional cooperation in the anti-piracy field, while highlighting its own national efforts. The Minister for Foreign Affairs of Gabon, Paul Toungui, explained that the decision of the Government to make maritime security the theme of the celebration of Gabon's fifty-first anniversary of independence in August 2011 reflected Gabon's resolve to continue to combat piracy and to enhance the protection and security of its coastline.

West African subregional anti-piracy efforts

43. West African States are signatories to the IMO/MOWCA memorandum of understanding, and the subregion has recently begun to take concrete, preparatory steps towards building a joint maritime security approach, through ECOWAS. While the discussion on piracy was initiated at the meeting of the ECOWAS Committee of Chiefs of Defence Staff held in Cotonou in April 2010, it was only at its January 2011 meeting that a recommendation was made to the ECOWAS Commission to develop a regional maritime security governance concept. By the time the 15 Chiefs of Defence Staff and Heads of Navies gathered for the Committee of Chiefs of Defence Staff meeting in October 2011, piracy and related maritime security issues along the West African coast had become a significant threat to several Member States, particularly Benin, Côte d'Ivoire, Ghana, Guinea, Nigeria and Togo. As a result, a decision was taken by the Committee to task its subcommittee on maritime security with making recommendations for the development of an integrated maritime security strategy and an integrated maritime plan.

44. These draft documents will be reviewed by experts on maritime security of ECOWAS member States before being presented to the ECOWAS Mediation and Security Council, which is comprised of Ministers for Foreign Affairs and of Defence and Internal Security. The documents will then be presented to the next ECOWAS summit of Heads of State scheduled for the first quarter of 2012. The mission was informed that experts from ECOWAS, ECCAS and the Gulf of Guinea

Commission are scheduled to meet in Benin in February 2012 to discuss maritime security issues in the Gulf of Guinea ahead of the planned joint regional summit of West and Central African Heads of State. The mission was also informed that the draft ECOWAS integrated maritime security strategy aligns its objectives with relevant existing maritime-related plans, strategies and initiatives, in particular with applicable African Union resolutions, guidelines and recommendations, such as the draft African integrated maritime strategy currently under development by the African Union.

45. On 18 November, the day the mission met with ECOWAS and Nigerian officials in Abuja, pirates struck the Nigerian coastline again, attacking a United States oil company ship. During his meeting with the mission, the Minister for Foreign Affairs of Nigeria, Olugbenga Ashiru, stressed the unrelenting determination of the Government of Nigeria to eliminate the piracy threat from its coast. To that end, he saw great mutual value in regional cooperation, in order to deny pirates safe havens anywhere in neighbouring ports or territories. The Minister for Foreign Affairs informed the mission that, in addition to the ongoing joint maritime patrols with Benin, Nigeria had also undertaken joint operations with Cameroon and Chad.

Gulf of Guinea Commission

46. The Gulf of Guinea Commission was created in 2001 in Libreville but only became operational in March 2007, when its Executive Secretariat was set up in Luanda. Its membership includes eight States, seven in the Central African subregion (Angola, Cameroon, Congo, Democratic Republic of the Congo, Equatorial Guinea, Gabon and Sao Tome and Principe) and one in West Africa (Nigeria). The Commission was established in response to the need for a permanent framework for consultations and negotiations on common threats and challenges in the region with respect in particular to maritime security. Its mandate includes the promotion of regional consultations for the prevention, the management and the resolution of conflicts that may arise from the delimitation of borders and the economic and commercial exploitation of natural resources within the territorial boundaries. In the absence of a meeting of its Assembly of Heads of State and Government during the past three years, the activities of the Commission have been limited mainly to the day-to-day functioning of its secretariat.

47. The Gulf of Guinea Commission explained to the mission that it could serve as a bridge between ECOWAS and ECCAS, with a view to harmonizing their policies and activities in the common Gulf of Guinea region. The Commission also advocated for adjusting its membership to include all the countries in the Gulf of Guinea area. The Secretary of State for External Relations of Angola, Manuel Domingos Augusto, informed the mission that Angola, both in its national capacity as a country with one of the largest coastal areas in the region and in its capacity as Chair of the Gulf of Guinea Commission, plans to host a Gulf of Guinea Commission ministerial meeting and a Gulf of Guinea Commission summit conference in the near future to press for a more robust role in the fight against piracy in the Gulf of Guinea.

Maritime Organization of West and Central Africa

48. MOWCA was established to ensure a cost-effective shipping service for subregional countries focusing on promoting safety and combating pollution. It unifies 20 West and Central African coastal States and 5 landlocked States. The coastal member States of MOWCA are Angola, Benin, Cameroon, Cape Verde, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Equatorial Guinea, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mauritania, Nigeria, Sao Tome and Principe, Senegal, Sierra Leone and Togo; and the landlocked member States are Burkina Faso, the Central African Republic, Chad, Mali and Niger. The overarching decision-making body for MOWCA is the General Assembly of Ministers of Transport of Member States, meeting at ordinary sessions every two years and at extraordinary sessions if necessary.

49. Although little mention was made of MOWCA during the mission meetings with national and regional interlocutors, it should be noted that the organization has initiated several programmes to strengthen cooperation in the shipping industry, to tackle issues of vessel and littoral security and to improve maritime policing and the protection of the environment.

Collective regional concerns

50. In both Central and West Africa, regional interlocutors underscored the need for implementing African solutions to African problems. While some expressed their openness to the idea of having foreign warships patrolling in the Gulf of Guinea, similar to international naval operations off the coast of Somalia, many others cautioned that a robust international naval response in the Gulf of Guinea would be a highly controversial issue, especially given broad regional wariness over perceptions of external interference. It was also felt that the introduction of foreign warships into the coastal waters of the Gulf of Guinea to prevent potential pirate attacks might be more destabilizing than helpful if it also attracted criminal or terrorist attacks targeting the foreign warships.

51. There were repeated calls from various interlocutors for the United Nations to play a facilitation and coordination role with respect to the issue of piracy. It was widely agreed that as a neutral intergovernmental body responsible for the maintenance of international peace and security, the United Nations was the ideal forum to mobilize the leaders, countries and organizations of West and Central Africa towards a joint maritime security framework for the Gulf of Guinea and, eventually, to mobilize and coordinate international assistance to support those regional efforts. It was also widely proposed that the United Nations assist in ensuring that there would be no duplication of efforts or gaps in addressing the threat of piracy in the Gulf of Guinea. In particular, matching identified needs with adequate resources was seen as vital.

52. Some interlocutors stressed that while the United Nations should assist regional organizations to build capacity, the world body should not itself implement regional initiatives, which should remain the responsibility of ECOWAS, ECCAS and the Gulf of Guinea Commission. Those regional organizations, the mission was told, would own the process, while operating under a mandate sanctioned by the Security Council.

53. All interlocutors underscored the importance of ensuring the involvement of the African Union in any initiative related to maritime security on the continent, as well as the participation of hinterland countries in any regional maritime security strategy. In addition, most stressed that any comprehensive maritime security strategy should go beyond addressing piracy and should encompass policies to combat the threats of other acts of transnational organized crime, including drug trafficking, illicit fishing, illicit dumping of toxic waste, and illegal or clandestine immigration or migration.

Collective regional requirements

Surveillance system

54. Although a joint maritime force arrangement exists within ECCAS, there is no joint arrangement for effective patrolling and monitoring of the maritime domain for the whole Gulf of Guinea area. There is no collective surveillance system including coastal radars covering the Gulf of Guinea coastline, even though some States have begun installing and operationalizing national coastal radars, notably under the framework of bilateral defence cooperation programmes with France and the United States.

Funding

55. The absence of a sustainable process for equipping and funding maritime security and safety activities hampers the ability of States to operate optimally in this domain. Such funds could be derived from regular State budgetary appropriations, contributions from the major stakeholders in the maritime sector or levies on commercial activities in the maritime environment. The funds could then be used to procure and sustain maritime security equipment and trained personnel, or to implement approved capacity-building programmes for the relevant maritime agencies.

Information-sharing

56. No formal system of information-gathering and exchange exists between States or organizations in the region. Efficient coordination of inter-agency activities, including the maritime operations centres, will require the establishment of common procedures, particularly on joint operations and information-sharing. Standard operating procedures and joint training programmes on maritime policing operations will also need to be developed.

Legal framework

57. Most ECOWAS and ECCAS member States do not have adequate legal frameworks covering actions at sea and policies to address piracy and armed robbery against ships. It is necessary to consider the enactment of national maritime legislation to regulate the activities and the areas of cooperation with other neighbouring States.

Maritime domain awareness

58. The maritime domain is a multidisciplinary sector involving military, civilian transport, fishing, recreational activities and naval defence interests. Several

national administrations in the region, however, appear to have limited awareness of the full ambit of the maritime domain. As a result, sea challenges are generally relegated to the military sector, ignoring legitimate civilian interests, in particular with regard to transport and commerce. Consequently, there is a need to raise appropriate awareness of the maritime domain in its broadest possible scope, both at the national and regional levels.

Recommendations to combat piracy in the Gulf of Guinea

59. Following are recommendations to combat piracy in the Gulf of Guinea:

For regional stakeholders:

(a) The regional summit of Gulf of Guinea Heads of State, called for by ECCAS, ECOWAS and the Gulf of Guinea Commission, and supported by the Security Council in its resolution 2018 (2011), should be convened as early as possible in 2012, with a view to developing a comprehensive regional strategy to combat piracy in the Gulf of Guinea;

(b) Pending the proposed regional summit, ECCAS, ECOWAS and the Gulf of Guinea Commission should consider adopting immediate measures to ensure greater levels of cooperation among them in their efforts to promote maritime security in the Gulf of Guinea, taking into account the provisions of the IMO/MOWCA memorandum of understanding. In that connection, they should specifically consider integrating their maritime surveillance, information-gathering and protection activities, as well as consider joint approaches to shipowners, insurers and international law enforcement agencies, on matters relating to maritime security in the Gulf of Guinea;

(c) ECOWAS, ECCAS, the Gulf of Guinea Commission, and regional States should closely coordinate with the African Union on efforts to tackle the threat of piracy in the Gulf of Guinea region;

(d) Awareness of the importance and the relevance of maritime security should be mainstreamed into the national policies of regional governments and promoted in public. Governance of the maritime security sector should also be strengthened in those national policies;

(e) ECOWAS and ECCAS member States should consider initiating and/or intensifying joint patrols at sea in the Gulf of Guinea;

(f) In order to further enhance maritime security, West and Central African States should develop land-based patrolling, surveillance and information-gathering systems, including by developing a "water/waterside" watch programme; promoting public outreach programmes to encourage port workers, fishermen, waterfront communities and seafarers to observe, record and report to coastguards and law enforcement authorities; and developing an information-sharing culture and framework for data collection, analysis and dissemination;

(g) With respect to ship automatic identification systems, West and Central African States should conduct needs assessments, including analysis of key choke points and critical areas, to review existing infrastructure, and to determine what further equipment and training is required;

(h) In order to use long-range identification and tracking of ships data, West and Central African States should establish a national long-range identification and tracking data centre or utilize other data centres to meet the International Convention for the Safety of Life at Sea regulatory requirements and the Convention on Maritime Search and Rescue obligations; inform IMO of which data centre will be used; analyse the cost of port State tracking based on current port traffic; and consider creating custom polygons in critical areas for coastal State tracking;

(i) ECOWAS and ECCAS member States should consider taking measures to build capacities to criminalize acts of piracy and to support the development of judicial institutions dealing with the issue;

(j) The law enforcement agencies of ECOWAS and ECCAS member States should consider taking steps to be connected to existing regional and international networks for combating organized crime, including criminal activities at sea. In particular, they should consider joining the secure global police communications system of INTERPOL, referred to as I-24/7, allowing them to share information, coordinate their activities and access INTERPOL databases;

For international partners:

(a) Provide logistical support to ECOWAS and ECCAS to improve their capabilities to counter piracy in the Gulf of Guinea, in particular with regard to infrastructure, radar, communications equipment and training of maritime security personnel;

(b) Support ECOWAS to set up a joint coordinating centre, similar to the ECCAS Regional Maritime Security Centre in Pointe-Noire, which would provide ECOWAS with the capacity to collect and disseminate data related to maritime security in West Africa;

(c) Provide logistical support for the information-sharing centres to be established under the IMO/MOWCA memorandum of understanding and the ECCAS Regional Maritime Centre in Pointe-Noire and for a similar centre for ECOWAS, once set up, as well as for the three ECCAS multinational coordination centres based in Angola, Congo and Cameroon;

For the United Nations:

(a) Taking into account relevant activities being carried out by IMO and other United Nations entities in the region, as well as provisions of Security Council resolution 2018 (2011), the United Nations should work with ECOWAS, ECCAS and the Gulf of Guinea Commission to facilitate the earliest possible convening of the joint regional summit of Heads of State of the three regional organizations to develop a comprehensive anti-piracy strategy for the Gulf of Guinea. The United Nations should also assist with preparations for the successful organization of that summit;

(b) As requested by the three regional organizations, the United Nations should help mobilize resources to assist in building the national and the regional capacities, and in coordinating international assistance for maritime security in the Gulf of Guinea, in close consultation with regional States and organizations;

(c) IMO should continue to work with Governments, shipowners, insurers and maritime industry representatives to develop guidance for seafarers in the Gulf of Guinea;

(d) The United Nations should work with ECCAS, ECOWAS and the Gulf of Guinea Commission to organize an international donors' conference to mobilize resources to acquire and maintain infrastructure and equipment to support maritime security operations in the region.

VI. Concluding observations

60. The growing incidence of piracy in the Gulf of Guinea constitutes yet another major threat to the peace, security and economic interests of both coastal and hinterland States in the region. The consequences of inaction could be catastrophic, especially for oil-producing countries that are frequently targeted for their high-value petroleum assets, and countries like Benin, which rely extensively on their ports for national revenue. Some interlocutors expressed concern over possible political motivations for some of the pirate attacks that may seek to use piracy as a weapon to affect political developments in specific regional States.

61. In response to the increase in the number of piracy incidents globally, several private commercial ship operators are considering employing, or have already engaged, privately contracted armed security personnel on board ships. This has implications for coastal States regarding aspects related to the embarkation, the disembarkation and the carriage of such personnel, as well as their firearms and security-related equipment, which will need to be discussed at IMO and at the regional level in order to clarify the positions and policies of States on these issues. Some interlocutors proposed to the mission that these private companies, particularly those focused on offshore oil and gas extraction, should be encouraged to subsidize or offset the costs of maritime security by paying higher licensing and tax fees into a common maritime security fund.

62. The mission found that all countries in the region are very concerned about the growing threat of piracy, although the nature and the level of their responses vary. Some countries have demonstrated political will at the highest level to combat the threat and have already initiated a number of preventive measures towards that end. However, the phenomenon of rapidly increasing incidents of piracy caught most countries in the region unprepared. The authorities in Benin, for instance, mentioned that, since the Port of Cotonou was inaugurated on 1 August 1965, it was only in 2009 that the first pirate attack was recorded.

63. The mission noted the determination and the resolve of individual regional States to address the growing threat. It was, however, apparent that their national and regional capacities varied and were limited overall. As such, the mission concluded that most countries in the Gulf of Guinea region could not alone prevent or manage effectively the threat to maritime security in their coastal waters. Furthermore, even though ECCAS member States had developed and deployed a relatively comprehensive collective anti-piracy architecture over the past three years, their commendable efforts were still limited in scope and effectiveness, and did not cover the entire Gulf of Guinea region.

64. The mission concluded that any viable or lasting regional strategy to combat piracy may also need to take into account the root causes, which drew from high levels of youth unemployment, wide income disparities within society, the uncontrolled circulation of illicit weapons and the prevalence of corruption.

65. The joint maritime patrols by Nigeria and Benin represent a model for inter-State cooperation to combat piracy in the Gulf of Guinea. The mission, however, sees this initiative only as a temporary solution. A longer-term strategy would require a broad synergy of efforts among concerned regional States to prevent pirates from seeking sanctuary in any country in the Gulf of Guinea from which they could attack neighbouring States. For such a regional strategy to take effect, the mission found that substantial assistance from the international community would be required. In particular, regional States welcomed the support of the United Nations, especially the dispatch by the Secretary-General of the assessment mission to the Gulf of Guinea and the adoption of Security Council resolution 2018 (2011). They called for continued and intensified United Nations engagement to build on that momentum. Regional States and organizations also highlighted the need for crucial logistical assets, in particular aircraft and naval boats and ships for surveillance and patrol purposes. As an immediate first step, it is critical to provide resources to Nigeria and Benin to maintain their joint patrols pending the adoption of a more permanent and longer-term arrangement.

66. In addition, it is vital that the United Nations, especially following the adoption of Security Council resolution 2018 (2011), work with ECCAS, ECOWAS and the Gulf of Guinea Commission, the three regional organizations engaged in combating piracy in the Gulf of Guinea region, to convene, as soon as possible, the joint ECCAS, ECOWAS and Gulf of Guinea Commission summit, welcomed by the Council as a forum to develop a comprehensive anti-piracy strategy for the region.

67. The United Nations is particularly well placed to play a coordinating role in this domain. It could in particular encourage regional States to act, mobilize international support for regional activities and help coordinate international assistance to ensure that the requirements for an effective anti-piracy strategy and plan of action for the Gulf of Guinea are met.

68. The mission would like to express its profound appreciation for the support extended to it by United Nations Resident Coordinators and the respective United Nations country teams in Benin, Nigeria, Gabon and Angola. Their generous and collegial assistance contributed immensely to the smooth conduct of the work of the mission. The mission also extends its gratitude to the ECOWAS Commission, the ECCAS secretariat, the Executive Secretariat of the Gulf of Guinea Commission and the Governments of Benin, Nigeria, Gabon and Angola for their cooperation.